

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

LEGISLATIVE REVIEW COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS
OCTOBER 31, 2003
11:00 A. M.

The City Council met in special session at the above place and date at 11:20 a.m., Mayor Pro Tem Anthony W. Cobos present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Daniel S. Power and Vivian Rojas. Late Arrivals: Jose Alexandro Lozano arrived at 11:38 a.m. Early Departure: Robert A. Cushing, Jr. left at 12:44 p.m. Absent: Paul J. Escobar

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AGENDA

1. Discussion and Action on the specific proposals to be included in the Ordinance establishing a charter election for February 7, 2004.
2. The City Council of the City of El Paso will retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

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Discussion took place on the following amendments:

Amendment No. 3: Amending the Charter of the City of El Paso, Section 3.2 Salaries

Representative Cushing commented that he believes the salary is excessive. He would prefer 5% increase per year for five years.

Representative Power agreed the salary increase is drastic and needs to be revisited.

Mayor Pro Tem Cobos cited he is uncomfortable with the present language and with the effective date. He stated he would prefer making it effective immediately upon passage for this Council.

Representative Power and Representative Cushing agreed the 5% and the immediate effective date upon passage might be good ideas.

Representative Austin proposed revised ballot language that includes an actual dollar figure, say \$10,000 or \$8,000, or whatever number the Council is comfortable with, upon the passage of the proposal and that includes the 5% per year increase.

Representative Cook suggested deleting the whole proposition. He stated his belief that it will distract attention from the more important City Manager issue.

Mayor Pro Tem Cobos suggested a figure of \$24,000 per year.

Representative Cushing suggested that if a dollar figure were included it might be a turn off to the voters.

Representative Power suggested that by placing the 5% increase on the ballot for the public to vote on, it allows the voters to decide.

Lisa Turner, citizen, stated that \$25,000 per year would be fair for the Council members and then if they are re-elected their salary should be increased. She believes longevity in the position should equate to higher salary. Representative Cushing disagreed.

Ms. Turner suggested that any raise for Council should be tied to the non-uniformed employees.

Bill Chapman, Deputy Chief Administrative Officer for Financial Services, provided figures on the raises given to uniformed employees.

Representative Rojas stated she supports a pay increase so as to encourage a greater variety of people to run for the offices.

Representative Power conceded that the pay is almost punitive and that anyone considering public service has to consider the economic impact on his/her family. He agreed a pay increase would encourage more people to run for office.

Representative Cushing suggested that the timing of a pay increase is bad during these tough economic times.

Representative Austin stated that it might be best to wait two years to submit this to the voters.

Representative Power agreed it might be wise to cut this from this ballot. He commented on the personal economic cost of serving on Council.

Representative Cushing asked Assistant City Attorney Al Avila for legal advice on ballot wording whether or not the City could present ballot wording with multiple options in the same proposal.

Mr. Avila advised that would not be allowed.

Mayor Pro Tem Cobos commented that he believes voters will vote by considering the performance of this Council. He expressed his support of a pay increase of some kind, although not the amount currently proposed.

Lisa Turner, citizen, suggested that the ballot show the salary for the Mayor and Council, say \$32,000 for the Mayor and \$ 22,000 to \$25,000 for the Council members.

David Almonte, Office of Management and Budget Director, provided to Council the current salary of the Mayor to Council as about \$27,000.

Michael Bray, citizen, commented that if the City wants the City run as a business then we need to have business type people at the helm. He cited concerns about the inter-relation of the two ballot proposals: pay increase for Mayor and Council and City Council form of government.

Representative Cook commented that the responsibilities of the Council would not be lessened by a City Manager; it is the responsibilities of the Mayor that would lessen. Mayor Pro Tem Cobos agreed with Representative Cook's statements.

Representative Austin again suggested dropping the salary proposal from the February 7, 2003, charter election and presenting it to the voters at the May, 2005 general election instead.

Representative Power wondered if that would be legal.

Representative Rojas stated her concerns about getting information from Department Heads under the City Manager form of government. Mayor Pro Tem Cobos agreed.

Representative Cook noted that there is no line of authority between the Council and the staff right now under the strong Mayor form of government. Rather there is mutual respect.

Mayor Pro Tem Cobos commented on the desire to get a high voter turn out for the charter election.

Representative Austin commented on the need to put forth a legitimate salary if the proposal is to be presented at all.

Mayor Pro Tem Cobos asked Al Avila if the proposal for the salary could be presented to the voters as broken out by district. Mr. Avila advised this could not be done.

Representative Power stated his support of Representative Austin's suggestion to remove the salary issue from this election and reserve it for the May, 2005, election so as to focus on the City Manager form of government.

Motion made by Representative Cook, seconded by Representative Austin and carried to delete Amendment No. 3. Motion failed 4 to 3.

AYES: Representatives Austin, Cook and Power

NAYS: Representatives Cushing, Lozano, Rojas and Cobos.

Ms. Turner stated her opposition to removing the salary issue and her opposition to the City Manager form of government. Representative Austin and Mayor Pro Tem Cobos commented.

Representative Lozano commented on his opposition to the City Manager form of government and his desire for a Council-Manager form of government. He disagreed with other Council members that the form of government being presented to the voters is the Council-manager form of government. He voiced his concerns about the ability of a City Manager effectively to run the whole City. He stated his support for a pay increase of \$24,000 to \$25,000 for Council members and commented on the work hours he has been devoting to his district.

Rick Armendariz commented on his desire to present information to Council about the City Manager form of government when they get to that item in the discussion.

Representative Cushing suggested that everyone consider over the weekend the exact dollar amount they would like on the ballot as the salary figure.

Motion made by Mayor Pro Tem Cobos, seconded by Representative Austin and carried to direct Legal to draft ballot language that would specify the exact dollar amount as the base salary for the Mayor and Council members to be effective immediately upon passage. Motion passed.

AYES: Representatives Austin, Cushing, Lozano, Power, Rojas and Cobos
NAYS: Representative Cook

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Amendment No. 7: Amending the Charter of the City of El Paso, Section 6.13-11. Pension Plans

Mayor Pro Tem Cobos thanked Representative Cushing for the work he has done on this issue. Representative Cushing commented on the negotiations he has engaged in with the Police and Fire Pension Fund representatives and on the specific issues that were discussed.

Representative Power asked about the revenue tool that would be used. Representative Power as a member of the City Employee's Non-Uniformed Pension Fund stated that he would like that pension fund and its under-funding to also be included in this proposal. He would like the same mechanism to solve the problem.

Jim Martinez, Chief Administrative Officer, explained that the City pension fund does not require a charter change, but can be done by Council at any time.

Representative Austin asked if the wording bound Council to contract or gave them the authority to contract. She asked about who determines necessity under the parenthetical phrase in the last sentence of the proposal. She asked about the word agreement and cited ambiguity in its use under (b).

Bob Stanton, Fire and Police Pension fund, and Representative Cushing commented.

Representative Power questioned the wording of the proposition/amendment as it will appear on the ballot. He mentioned he wants to talk with Robert Ash, Pension Administrator of the City Employees Non-Uniformed Pension Fund, to get his input and the input of the board members of that pension fund.

Daryl Petry, Fire and Police Pension Fund board member, thanked Council for considering the placement of this item on the ballot.

Ms. Lisa Turner questioned language regarding a cap on the City's contributions. She argued for raising the cap. She argued against a two-tier system of pension benefits for the uniformed employees. Council members commented.

Representative Power asked if the ballot language needed to include the date of December 31, 2003, because it limits the proposal to this particular item at this particular point in time.

Robert Stanton explained the reason for the December 31, 2003 date and its use in determining the valuation of the Fire/Police pension fund.

Terry Cullen Garney, Deputy City Attorney, explained that the intent is to have a one-time fix and that if some future events develop, the City would have to go back and get the voters' approval.

Representative Cushing left the meeting at 12:44.
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Amendment No. 4: Amending Articles III, IV, V, VI, VII and VIII of the City Charter

Representative Austin asked Rick Armendariz to comment on his research on the City Manager form of government and on the various amendments addressing that issue. He referred to a document clarifying the language (on file in the City Clerk's Office titled Text for Possible Changes to Amendment 4.)

Council members discussed the amendment to Article III, Section 3.1

Motion made by Representative Austin, seconded by Mayor Pro Tem Cobos and unanimously to direct Legal to incorporate the language presented by Rick Armendariz for Article III, Section 3.1 into a ballot proposition for Amendment No. 4.

Representative Power commented on his concerns about Section 5.5: Interference with Personnel or Administration.

Representative Austin commented that this is standard language employed by other cities.

Mayor Pro Tem Cobos asked Mr. Armendariz why this language is important.

Mr. Armendariz explained that the City Manager's effectiveness is affected by the degree of authority he/she has over the City staff. He explained that Council has the authority to remove the City Manager if he or the staff he oversees is not responsive to the requests of Council.

Representative Austin urged Council to read the back up in Handout B (on file in the City Clerk's Office) to understand how other cities handle the responsiveness of City staff under a City Manager.

Mayor Pro Tem Cobos asked Mr. Armendariz to comment on Section 6.23 Removal of Unclassified Personnel.

Representative Austin pointed out that the Mayor will retain the veto power. Rep Cook asked Mr. Armendariz how other cities handle it.

Mr. Armendariz replied that in some the Mayor has no veto; in others the Mayor does.

Ms. Turner urged retaining the majority of Council as required to over-ride a mayoral veto on the removal of the City Manager. She asked whom she would call under a City Manager to fill a pothole.

Mayor Pro Tem Cobos stated his preference for having a simple majority of the Council able to remove the City Manager and no veto power for mayor on the City Manager issue.

Terry Cullen Garney, Deputy City Attorney, asked for clarification from the Council on what the removal of veto power applies to the entire veto power or the veto as restricted to the City Manager issue.

Motion made by Representative Cobos, seconded by Representative Austin and carried to eliminate the Mayor's veto power as it applies to the City Manager under Article IV, Section 4.1 (B). Motion passed.

AYES: Representative Lozano, Cook, Power, Rojas and Cobos

NAYS: Representative Austin

Representative Austin asked Council to think about the effective date of the City Manager amendment and whether or not they would like to change it from the proposed date of September 1, 2005.

Representatives Cobos, Power and Lozano commented.

Mr. Armendariz commented that only Houston and Pasadena, Texas have a strong Mayor form of government in cities with a population over 25,000. The last successful charter election held in Texas was in Athens, Texas in 1968.

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Motion made by Representative Power, seconded by Representative Mayor Pro Tem Cobos and unanimously carried to adjourn this meeting at 1:26 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk